



Docket No.: FER-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Soldano Ferrone and Daniel Hicklin

Serial No: 09/036,724

Filed: June 11, 1998

For: Active Immunization Against Angiogenesis-Associated Antigens

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

X Responsive to the Notice to File Missing Parts of Application mailed June 11, 1998,  
the following documents are enclosed:

- X Certificate of first class mailing
- X Declaration and Power of Attorney
- Verified statement claiming small entity status
- X Copy of the Notice to File Missing Parts of Application
- Check in amount of \$
- X A duplicate copy of this form. (Authorization to charge deposit account No. 09-0071 is given below).

   Responsive to the Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequences and/or Amino Acid Sequence Disclosures mailed \_\_\_\_\_  
, the following documents are enclosed:

- Sequence listing in paper copy form.
- Sequence listing in computer readable form.
- Certificate of first class mailing
- Verified statement claiming small entity status
- Copy of Notice to Comply with Requirements for Patent Applications Containing  
Nucleotide Sequences and/or Amino Acid Sequence Disclosures

☐ Check in amount of \$

☐ A duplicate copy of this form. (Authorization to charge deposit account No. 09-0071 is given below).

☐ Please amend the application by inserting the Sequence Listing before the claims.

☐ A statement under 37 CFR §1.821 (f) that the contents of the paper and computer readable copies of the Sequence Listing are the same.

☐ A statement under 37 CFR §1.821 (g) that the contents of the paper and computer readable copies of the Sequence Listing contain no new matter.

### SMALL ENTITY STATUS

☐ A verified statement that this filing is by a small entity:

☐ is attached.

☐ a separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_

☐ in this application

☐ in Serial No. \_\_\_\_\_.

### COMPLETION FEES

1. Additional Statutory Basic Filing Fee \$ 395.00

2. Additional Claim Fees \$ 396.00

X The application as filed was accompanied by payment of the filing fee of \$ 791.00 due for a small entity. Verified statement(s) claiming small entity status are enclosed herewith.

3. Surcharge fees

☐ late payment of filing fee

and/or

X late filing of original declaration or oath  
(37 CFR 1.16(e) - \$130.00; small entity -  
\$65.00); \$ 130.00

**Total completion fees** **\$ 921.00**

**EXTENSION OF TIME**

       A response is/was due two months from the filing date, i.e. on                     .

X A response is/was due August 11, 1998 two months from the date on which  
the Notice to File Missing Parts of Application.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR  
1.136(a) apply.

(a) X Applicant petitions for an extension of time, the fees for which are set out  
in 37 CFR 1.17(a)-(d), for the total number of months checked below:

| Extension<br>(months)      | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|----------------------------|-------------------------------------------|--------------------------------|
| <u>      </u> one month    | \$ 110.00                                 | \$ 55.00                       |
| <u>      </u> two months   | \$ 400.00                                 | \$ 200.00                      |
| <u>      </u> three months | \$ 950.00                                 | \$ 475.00                      |
| <u>X</u> four months       | \$1,510.00                                | \$ 755.00                      |
| <u>      </u> five months  | \$2,060.00                                | \$1,030.00                     |

Fee \$ 1,510.00

**If an additional extension of time is required please consider this a petition  
therefor.**

       An extension for        months has already been secured and the fee  
paid therefor of \$        is deducted from the total fee due for the  
total months of extension now requested.

**Extension fee due with this request \$**

**or**

- (b)      Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **TOTAL FEE DUE**

The total fee due is

Completion fee(s) \$ 921.00  
Extension fee (if any) \$ 1,510.00

TOTAL FEE DUE \$ 2,431.00

### **PAYMENT OF FEES**

     enclosed is a check in the amount of \$  
X charge Account No. 09-0071 in the amount of \$ 2,431.00.  
A duplicate of this request is attached.

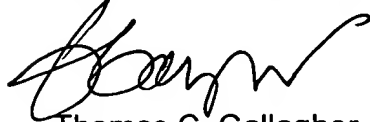
### **AUTHORIZATION TO CHARGE ADDITIONAL FEES**

X The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 09-0071.

- X 37 CFR 1.16(a),(f) or (g) (filing fees)
- X 37 CFR 1.16(b),(c) and (d) (presentation of extra claims)
- X 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- X 37 CFR 1.17 (application processing fees)
- X 37 CFR 1.18 (issue fee at mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b))

Accordingly, it is believed that all requirements for obtaining a filing date have been satisfied.

Respectfully submitted,

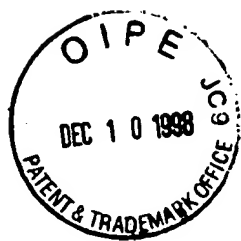
A handwritten signature in black ink, appearing to read 'Gallagher', written over the printed name.

Thomas C. Gallagher  
Registration No. 37,066

ImClone Systems Incorporated  
180 Varick Street  
New York, NY 10014  
(212) 645-1405

December 8, 1998

SECTOR/\$



Docket No.: FER-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ferrone and Hicklin

Serial No: 09/036,724

Group Art Unit: 1644

Filed: June 11, 1998

For: ACTIVE IMMUNIZATION AGAINST ANGIOGENESIS-ASSOCIATED ANTIGENS

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**CERTIFICATE OF FIRST CLASS MAILING**

I certify that the attached documents are being deposited with the United States Postal Service on December 8, 1998, with sufficient postage for first class mail, in an envelope addressed to the Assistant Commissioner For Patents, Washington, D.C., 20231.

Thomas C. Gallagher  
Reg. No. 37,066

ImClone Systems Incorporated  
180 Varick Street, 7th Floor  
New York, New York 10014  
(212) 645-1405

December 8, 1998

# BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

09/036,724 03/06/98 HICKLIN D FER-1

0242/0611

INCLONE SYSTEMS INCORPORATED  
THOMAS C GALLAGHER  
180 VARIK STREET  
7TH FLOOR  
NEW YORK NY 10014

NOT ASSIGNED

1644

DATE MAILED:

06/11/98

## NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 395.

- ☒ 1. The statutory basic filing fee is:
- ☐ missing.
  - ☒ insufficient.
- Applicant must submit \$ 395 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. Additional claim fees of \$ 396, including any multiple dependent claim fees, are required.
- \$ 396 for 36 independent claims over 3.
  - \$ 396 for 36 dependent claims over 20.
  - \$ 396 for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
  - ☐ does not cover the newly submitted items.
  - ☐ does not identify the application to which it applies.
  - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
- ☐ 9. OTHER: Need a signed small entity statement.

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/16/1998 00000001 090071  
01 FC:105  
02 FC:116  
130.00  
1510.00